



## 2009 J-1 VISA WAIVER PROGRAM CONTRACT GUIDELINES

Valid contract of full-time employment from the time USCIS grants a waiver of the two-year home-country residency requirement.

- The contract **must specify** the service site(s) where the J-1 physician specialist will provide services. (A separate service site application must be completed and submitted for each service site where the physician will perform his/her required 40 hours per week.)
- The contract must be for at least 3 years, 40 hours per week, and must specify that the approved primary care/specialty services will be provided.
- The physician must agree to begin employment at the approved service site(s) within 90 days of receiving a J-1 visa waiver (must state in contract).
- Both the J-1 physician specialist **and** the employer must sign the contract.
- The contract **may not** include a Non-Compete Clause.
- The contract may only be terminated for cause and **may not** be terminated by mutual agreement.
- The J-1 physician and the employer may not change, by contractual amendment or otherwise, the essential terms of the employment contract as required by the ADHS J-1 Visa Waiver Program (the contract should include this wording verbatim).
- Until the J-1 physician specialist completes the three-year commitment, the J-1 physician specialist must provide services:
  - At the service site(s) specified in the employment contract,
  - To the patients specified in the employment contract, and
  - In the manner specified in the employment contract.